

#8



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application Of:	)	Group Art Unit: 1642
NICOLAIDES et al.	)	BOX: MISSING PARTS
Serial No.: 09/853,646	)	
Filed: May 14, 2001	)	Docket No. 001107.00138
For: <b>A METHOD FOR GENERATING</b>	)	
<b>HYPERMUTABLE ORGANISMS</b>	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF**  
**NONPROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)**

Assistant Commissioner of Patents  
Washington, D.C. 20231  
Attn: **Box Missing Parts**

Dear Sir:

In response to the Notice to File Missing Parts Of Non-provisional Application, dated August 9, 2001, the Applicants are hereby submitting the executed declarations for filing in the subject application. Accordingly, it is respectfully requested that a filing date of May 14, 2001, be granted to this application, which is the filing date the original specification and drawings were filed with the Patent and Trademark Office. A set of corrected drawings, and a sequence listing both on paper and diskette is enclosed. The contents of the computer readable form and the paper copy submitted with the present application are believed to be the same. It is believed that the sequence listing contains no new matter.

The Commissioner is authorized to charge \$886.00 to Deposit Account No. 19-0733, to cover the following:

- \$370.00 - Basic Filing Fee;
- \$270.00 - 30 total claims over 20;

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\$126.00 – 3 independent claims over 3;

\$ 65.00 - Surcharge for late declaration; and

\$ 55.00 – One month extension of time fee.

It is believed that these fees as calculated are correct. However, if an additional fee is required, please charge Deposit Account No. 19-0733.

Respectfully submitted,

October 26, 2001

By:



Sarah A. Kagan

Registration No. 32,141

Banner & Witcoff, LTD.  
Eleventh Floor  
1001 G Street, N.W.  
Washington, D.C. 2001  
(202) 508-9100



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/853,646	05/14/2001	Nicholas C. Nicolaides	01107.00138

BANNER & WITCOFF, LTD.  
11TH FLOOR  
1001 G ST., N.W.  
WASHINGTON, DC 20001



CONFIRMATION NO. 6480

## FORMALITIES LETTER



\*OC000000006404450\*

Date Mailed: 08/09/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$390.
  - \$270 for 30 total claims over 20.
  - \$120 for 3 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 810.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
  - more than one figure is present and each figure is not labeled "Fig." with a consecutive

FILED " 9436360

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10/25/2001 TL0011

370.00 CH  
270.00 CH  
126.00 CH  
65.00 CH

01 FC:201  
02 FC:203  
03 FC:202  
04 FC:205

Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));

- drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(o));
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Complete if Known

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 966.00

Application Number 09/853,646  
Filing Date May 14, 2001  
First Named Inventor NICOLAIDES et al.  
Examiner Name TBA  
Group / Art Unit 1642  
Attorney Docket No. 001107.00138

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number

19-0733

Deposit Account Name

Banner & Witcoff

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description        | Fee Paid |
|----------------|-------------|----------------|-------------|------------------------|----------|
| 101            | 740         | 201            | 370         | Utility filing fee     | 370.00   |
| 106            | 330         | 206            | 165         | Design filing fee      |          |
| 107            | 510         | 207            | 255         | Plant filing fee       |          |
| 108            | 740         | 208            | 370         | Reissue filing fee     |          |
| 114            | 160         | 214            | 80          | Provisional filing fee |          |

SUBTOTAL (1)

(\$ 370.00

### 2. EXTRA CLAIM FEES

|                    |    |        |   |    |   |                   |   |              |
|--------------------|----|--------|---|----|---|-------------------|---|--------------|
| Total Claims       | 50 | -20 ** | = | 30 | X | Fee from below 18 | = | Fee Paid 270 |
| Independent Claims | 6  | -3 **  | = | 3  | X | 84                | = | 126          |
| Multiple Dependent |    |        |   |    | X |                   | = | 0            |

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description  |
|----------------|-------------|----------------|-------------|--|
| 103            | 18          | 203            | 9           | Claims in excess of 20                                     |
| 102            | 84          | 202            | 42          | Independent claims in excess of 3                          |
| 104            | 280         | 204            | 140         | Multiple dependent claim, if not paid                      |
| 109            | 84          | 209            | 42          | ** Reissue independent claims over original patent         |
| 110            | 18          | 210            | 9           | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 396.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Fee Code | Entity (\$) | Small Fee Code | Entity (\$) | Fee Description  | Fee Paid |
|----------------|-------------|----------------|-------------|--|----------|
| 105            | 130         | 205            | 65          | Surcharge - late filing fee or oath  | 65.00    |
| 127            | 50          | 227            | 25          | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139            | 130         | 139            | 130         | Non-English specification  |          |
| 147            | 2,520       | 147            | 2,520       | For filing a request for reexamination                                     |          |
| 112            | 920*        | 112            | 920*        | Requesting publication of SIR prior to Examiner action                     |          |
| 113            | 1,840*      | 113            | 1,840*      | Requesting publication of SIR after Examiner action                        |          |
| 115            | 110         | 215            | 55          | Extension for reply within first month                                     | 55.00    |
| 116            | 400         | 216            | 200         | Extension for reply within second month                                    |          |
| 117            | 920         | 217            | 460         | Extension for reply within third month                                     |          |
| 118            | 1,440       | 218            | 720         | Extension for reply within fourth month                                    |          |
| 128            | 1,960       | 228            | 980         | Extension for reply within fifth month                                     |          |
| 119            | 320         | 219            | 160         | Notice of Appeal   |          |
| 120            | 320         | 220            | 160         | Filing a brief in support of an appeal                                     |          |
| 121            | 280         | 221            | 140         | Request for oral hearing   |          |
| 138            | 1,510       | 138            | 1,510       | Petition to institute a public use proceeding                              |          |
| 140            | 110         | 240            | 55          | Petition to revive - unavoidable   |          |
| 141            | 1,280       | 241            | 640         | Petition to revive - unintentional   |          |
| 142            | 1,280       | 242            | 640         | Utility issue fee (or reissue)   |          |
| 143            | 460         | 243            | 230         | Design issue fee   |          |
| 144            | 620         | 244            | 310         | Plant issue fee  |          |
| 122            | 130         | 122            | 130         | Petitions to the Commissioner  |          |
| 123            | 50          | 123            | 50          | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 126            | 180         | 126            | 180         | Submission of Information Disclosure Stmt                                  |          |
| 581            | 40          | 581            | 40          | Recording each patent assignment per property (times number of properties) | 80.00    |
| 146            | 740         | 246            | 370         | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149            | 740         | 249            | 370         | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179            | 740         | 279            | 370         | Request for Continued Examination (RCE)                                    |          |
| 169            | 900         | 169            | 900         | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 255.00

## SUBMITTED BY

|                   |                       |                                  |        |           |                  |
|-------------------|-----------------------|----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Sarah A. Kagan        | Registration No. Attorney/Agent) | 32,141 | Telephone | 202-508-9100     |
| Signature         | <i>Sarah A. Kagan</i> |                                  |        | Date      | October 26, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

10/29/2001 TL0011 0000004 190733 09853646

55.00 CH 05 FC:215